

Notice of Allowability

Application No.

10/518,051

Examiner

Michelle R. Connelly-Cushwa

Applicant(s)

BONICEL ET AL.

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's Amendment filed January 29, 2007.
2. ☒ The allowed claim(s) is/are 14-18 and 20-34.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20070413</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian W. Hannon on April 13, 2007.

The claims have been amended as follows:

Claim 21, line 1, "claim 19" has been changed to --claim 18--.

The abstract has been replaced by the following abstract:

--The invention relates to the field of processes for the production of an optical transmission cable as well as to the apparatus for carrying out such a process. The method is a process for producing an optical transmission cable from at least one tube (1) inside of which a plurality of optical fibers (2) are arranged, and strengthening elements (3, 4, 5), one of the said strengthening elements, constituting a central strengthening member (4), being arranged at the center of said cable and certain strengthening elements constituting peripheral strengthening members (3), said tube (1) being twisted about said central strengthening member (4) using a tubular machine so

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as to form a peripheral layer around said central strengthening member (4), the peripheral strengthening members (3) and the tube (1) having diameters sufficiently close to each other to ensure said peripheral layer is homogeneous.--

Response to Amendment

Applicant's Amendment filed January 29, 2007 has been fully considered and entered.

Allowable Subject Matter

Claims 14-18 and 20-34 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record does not disclose or suggest a method as defined in claim 14, wherein the central strengthening member, the at least one tube, and the peripheral strengthening members are unwound from respective reels disposed in the tubular machine in combination with the other limitations of claim 14; a tubular machine as defined in claim 18, comprising a plurality of reels located inside the tubular machine from which the central strengthening member, the at least one tube, and the peripheral strengthening members are respectively unwound in combination with the other limitations of claim 18; or a system as defined in claim 22, wherein the central strengthening member, the at least one tube and the peripheral strengthening members associated with the inner peripheral layer are unwound from respective reels disposed in the tubular machine in combination with the other limitations of claim 22.

As discussed by Applicant in the Reply filed January 29, 2007, the central strengthening member is unwound from a supply reel that is separate from the strander in the invention of Horska (US 5,542,020) and the core is supplied from a reel located upstream of the winding device in the invention of Hulak (US 3,512,611).

Hence, there is no reason or motivation for one of ordinary skill in the art to use the prior art of record to make the invention of claims 14-18 and 20-34.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning the merits of this communication should be directed to Examiner Michelle R. Connelly-Cushwa at telephone number (571) 272-2345. The examiner can normally be reached 9:00 AM to 7:00 PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney B. Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general or clerical nature should be directed to the Technology Center 2800 receptionist at telephone number (571) 272-1562.

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M.R. Connelly-Cushwa

Michelle R. Connelly-Cushwa

Patent Examiner

April 13, 2007